

Assembly Bill No. 1702

CHAPTER 284

An act to add Sections 19602.7 and 19609 to the Government Code, relating to demonstration projects.

[Approved by Governor October 5, 2007. Filed with
Secretary of State October 5, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1702, Blakeslee. Demonstration projects.

(1) The California Constitution provides that the civil service includes every officer and employee of the state, except as specified. The constitution requires the State Personnel Board to enforce the civil service provisions and to prescribe probationary periods and classifications, adopt other rules authorized by statute, and review disciplinary actions. Existing law authorizes the State Personnel Board to conduct and evaluate demonstration projects relating to improved personnel management, as specified.

This bill would authorize the Department of Transportation to conduct competitive examinations on a position-specific basis for specified managerial classifications as agreed to by the State Personnel Board, as specified. The bill would also make legislative findings and declarations with regard to a related demonstration project.

(2) Existing law authorizes the State Personnel Board, directly or through agreement or contract with one or more agencies and other public and private organizations, to conduct and evaluate demonstration projects.

This bill would provide that for any demonstration project made permanent pursuant to legislation operative on or after January 1, 2008, a department participating in the demonstration project shall file a report on all aspects of the demonstration project with the State Personnel Board. The bill would require the report to include, but is not limited to, the number of applicants, the number of applicants that were hired, the cost of the hiring process, the number and nature of examination appeals, and the length of time to complete the hiring and testing process. The bill would require, for a 3-year period from the date the demonstration project becomes permanent, that the department file this report on an annual basis. The bill would provide that after this 3-year period, the department shall file a report if a report is requested by the State Personnel Board. The bill would further permit the State Personnel Board, when it receives the report, to hold a public hearing to provide for the exchange of information and an opportunity for public comment about the demonstration project that is the subject of the report.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) The State Personnel Board and the Department of Transportation entered into a demonstration project that was designed to study alternative to traditional methods of examining, selecting, appointing, and promoting managerial candidates of the Department of Transportation.

(b) The alternative selection procedures that have been implemented as part of the demonstration project have improved the ability of the Department of Transportation to match candidates to critical managerial positions and have expedited the selection and hiring process.

(c) Based on the success of the demonstration project, it is the intent of the Legislature to make permanent the alternative methods, as utilized in the selection demonstration project, of examining, selecting, appointing, and promoting employees of the Department of Transportation to managerial classifications as agreed to by the State Personnel Board.

(d) Throughout the demonstration project, the Department of Transportation conducted ongoing periodic discussions with representatives of the Professional Engineers in California Government, who provided constructive input regarding the execution of the project. These discussions resulted in various improvements to the selection process, including the development of a survey for hiring managers to determine the effectiveness of job candidate matching and satisfaction regarding the process, and developing a brochure to educate employers about the process. The Professional Engineers in California Government also agreed to participate in focus groups to further evaluate the effectiveness of the process. It is the intent of the Legislature that this cooperative effort continue.

(e) On an annual basis, or more frequently upon mutual agreement of the parties, the Service Employees International Union and the Professional Engineers in California Government representing employees in State Bargaining Units 1 and 9 shall continue to have an opportunity to comment on the managerial selection process, as described in Section 19602.7 that is added to the Government Code by this act. Nothing in this subdivision shall be construed to provide any new examination or hiring-related appeal to the managerial selection process in addition to what is provided by existing law or regulation.

SEC. 2. Section 19602.7 is added to the Government Code, to read:

19602.7. (a) Notwithstanding Section 18900, 18901, 18930, 18930.5, 18931, 18933, 18938.5, 18950, 19050, 19054.1, or 19057.2, or any other law, but consistent with the merit principles of subdivision (b) of Section 1 of Article VII of the California Constitution, the Department of Transportation appointing authority may conduct examinations and make appointments as specified by this section. The purpose of this section is to provide the Department of Transportation with greater flexibility to match candidates to position-specific vacancies, at the same time resulting in an expedited selection process and cost savings to the department.

(b) The Department of Transportation appointing authority may conduct competitive examinations on a position-specific basis for managerial classifications as agreed to by the board in the manner described in Article 8 (commencing with Section 549.90) of Subchapter 4 of Chapter 1 of Division 1 of Title 2 of the California Code of Regulations. The Department of Transportation appointing authority shall rank each examination candidate in the manner specified in Article 4 (commencing with Section 548.30) and Article 5 (commencing with Section 548.40) of Subchapter 2 of Chapter 1 of Division 1 of Title 2 of the California Code of Regulations.

SEC. 3. Section 19609 is added to the Government Code, to read:

19609. (a) For any demonstration project made permanent pursuant to legislation operative on or after January 1, 2008 a department participating in the demonstration project shall file a report on all aspects of the demonstration project with the State Personnel Board. The report shall include, but is not limited to, all of the following:

- (1) The number of applicants.
- (2) The number of applicants that were hired.
- (3) The cost of the hiring process.
- (4) The number and nature of examination appeals.
- (5) The length of time to complete the hiring and testing process.

(b) For a three-year period from the date that the demonstration project becomes permanent, the department shall file the report described in subdivision (a) on an annual basis. After the expiration of this three-year period, the department shall file a report if a report is requested by the State Personnel Board.

(c) When the State Personnel Board receives a report described in this section, the State Personnel Board may hold a public hearing to provide for the exchange of information and an opportunity for public comment about the demonstration project that is the subject of the report.